

Remarks:

Responsive to the Official Action having a notification date of December 18, 2009, Applicant respectfully request reexamination, reconsideration and allowance of claims 36-70 in view of the above-noted amendments and the following remarks.

The Examiner has first objected to the drawings on the grounds that: (1) at least one LED, scale of increasing or decreasing bar must be shown or the features cancelled from the claims; and (2) reference number 33 is not associated with any feature of the drawings.

Applicant has amended FIG. 4 to show the LEDs (indicated at 40), and has added a leader line from reference number 33 to the read-out part of the tool. Applicant submits that these changes add no new matter and further submits that these objections are now moot, and respectfully request that they be withdrawn.

As to the inclusion of the LEDs and their reference number, applicant has also amended the specification, specifically, the paragraph that begins at the bottom of page 10 (paragraph 0029 of the published application) to include this reference number (40). Again, Applicant submits that this change adds no new matter to the application and request entry of this amendment.

Next, the Examiner has objected to claims 36-70 because, in the Preliminary Amendment, these claims lacked claim identifiers. Applicant thanks the Examiner for her reminder and has included the proper claim status identifiers in the present Amendment A.

The Examiner has also objected to claim 53 stating that it is unclear if the power supply means of claim 53 is the same as the power supply means of claim 36.

Claim 36 recites a power supply means for at least powering means for providing information regarding the adjustment made to the cutting edge. Claim 53 recites power supply means for providing power to the body. The power supply means of claim 53 may provide power for the purpose recited in claim 36 and claim 53. Alternatively, the information display recited in claim 36 may take power from a different supply to the power supplied to the body (as required in claim 53).

As to the Examiner's objection to claim 65 regarding "power supply means", the same explanation applies.

The Examiner has next objected to claims 69 and 70 as being of improper dependent form.

Applicant has amended claims 69 and 70 to recite that the wherein the cartridge is mountable on a boring bar and mountable on a reaming tool, respectively.

Applicant submits that these claims are now in proper dependent form and respectfully requests that the Examiner withdraw these objections.

Next, the Examiner has rejected claims 36-42, 47, and 64-70 under 35 USC 102(b) as anticipated by Steen, US Patent No. 5,447,517.

Applicant respectfully traverse this rejection. The invention as defined by claim 36 is directed to an adjustment system for a cutting tool, and specifically, a metal cutting tool. The system has particular application in the adjustment of the cutting edge of the cutting tool. Such cutting tools are used in, for example, boring and reaming apparatus.

Steen on the other hand is concerned exclusively with an apparatus and method for calibrating a surgical knife. There is nothing in Steen that relates to any form of adjustment for a metal cutting tool. In fact, given the reliance of the system in Steen on a microscope in which the surgical knife is mounted for calibration, it appears that the system of Steen is most unsuitable for use in the adjustment of a metal cutting tool as may be carried out in a machine shop or the like.

Moreover, as recited in claim 36, the present invention requires a body for adjustably holding a cutting tool. The system further includes adjustment means releasably engageable with the body for positionally adjusting the cutting edge of the tool. In use, an operator engages the adjustment means, for example, an adjuster tool, with the body and operates the adjustment means to alter the position of the cutting edge of the cutting tool held in the body. Once adjustment of the cutting edge is complete, the adjustment means is disengaged from the body.

This is wholly inapposite to Steen which discloses a surgical knife assembly that has a blade (22) that can move relative to the body (24) of the assembly. The assembly includes a sensor (26) to determine the position of the blade relative to a footplate (30). The position of the blade is adjusted using a thimble (32) coupled to the blade and rotated by the user. (See Steen, col. 1, lines 27-35).

It is noted that the thimble (32) is permanently coupled to and forms a permanent part of the surgical knife assembly. There is no indication or suggestion in Steen that the thimble is in any way disengageable from the assembly. It follows that the adjustment means for the cutting edge of the blade remains permanently engaged with the blade. This is in contrast to the system as recited in claim 36, which requires the adjustment means to be releasably engageable with the body holding the cutting tool.

The Examiner refers to FIG. 11 of Steen and the corresponding description at col. 6, lines 42-61. The embodiment referred to includes a sleeve (74) having a first set of teeth (76) that are engaged with the thimble and a second set of teeth (78) coupled to a motor/gear assembly (80). The motor/gear assembly can be activated to rotate the thimble. There is no suggestion in Steen that the motor/gear assembly may be disengaged from the sleeve or the thimble. As such, Steen teaches that the motor/gear assembly and sleeve remain permanently engaged with the blade. That is, the motor/gear assembly and sleeve engage the thimble by teeth, which are permanently engaged with the blade. This is in contrast to the invention of claim 36 which requires that the adjustment means is releasably engageable with the cutting edge of the tool.

In addition, the invention of claim 36 includes means electronically releasably engageable with the body and including a power supply for at least powering means for providing information, such as a display.

The Steen device includes a display (20), connected to the surgical knife assembly by a cable. The display system is described in column 4, at lines 36-54. There is no indication that the cable is releasably engageable with the surgical knife assembly. Again, this is in contrast to the invention of claim 36. Moreover, there is nothing in Steen with respect to providing power to the display (20).

Accordingly, Applicant submits that claims 36-42, 47, and 64-70 are allowable over the Steen patent and respectfully solicits early indication of same.

The Examiner has next rejected claims 44, 46, 48 and 49 under 35 USC 103(a) as unpatentable over Steen.

The Examiner concedes that the specific elements of claims 44, 46, 48 and 49 are not disclosed in Steen, but considers these to be nothing more than a choice or engineering skill, choice or design, absent any criticality. There is, however, nothing in Steen that would lead one

skilled in the art, nor anything that would motivate or teach one skilled in the art to make the asserted combination. Nor has the Examiner provided any reasonable basis for doing so.

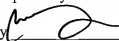
Next, the Examiner has rejected claims 43 and 45, under 35 USC 103(a) as unpatentable over Steen in view of Struble, US Patent No. 5,657,550. Struble is directed to a combined gap and contour measuring gauge that is hand-held. There is nothing to suggest to one of ordinary skill in the art of metal cutting tools to make a new and improved adjusting system in Steen (which relates to surgical knife assemblies) in combination with Struble, which relates to an entirely different technical field.

Next, the Examiner has rejected claims 50-58 and 63 under 35 USC 103(a) as unpatentable over Steen in view of Mastel, US Patent No. 4,662,075. Like Steen, Mastel is concerned with the adjustment of surgical knives, and again, there is nothing that would suggest to one skilled in the art to refer to references in the surgical knife art when considering issues with metal cutting tool adjustment systems. It is Applicant's position that the result of any such combination asserted by the Examiner would be a surgical knife blade assembly and not a system for adjusting metal cutting tools.

For the reasons set forth above, Applicant submits that the claims pending in the present application, namely claims 36-70, are allowable over the art of record and respectfully and earnestly solicits early indication of same.

If the examiner finds that there are any outstanding issues that may be resolved by a telephone interview, the Examiner is invited to contact the undersigned at the below listed number.

Respectfully submitted,

By 

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Dated: March 17, 2010
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